

**IN THE CLAIMS:**

Please cancel claims 1-9, without prejudice.

Please add the new claims as set forth on the enclosed pages.

**REMARKS**

Main claim 10 and its dependent claims 11-29 are identical to the claims allowed in the Notice of Allowance mailed November 15, 2000.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

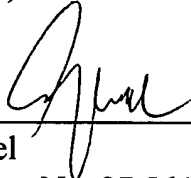
Attorneys for Applicant(s)

489 Fifth Avenue

New York, New York 10017-6105

Tel: (212) 697-3750

Fax: (212) 949-1690



Alan Israel

Registration No. 27,564

**MARKED-UP SPECIFICATION AMENDMENTS**

*Page 1, substitute the first two paragraphs with the following:*

Sub. B. 1  
This application is a division of U.S. Patent Application Serial No. 09/227,245, filed January 8, 1999, which is a continuation-in-part of U.S. Patent Application Serial No. 08/794,782, filed February 13, 1997, now U.S. Patent No. 6,119,944 and is also related to U.S. Patent Application Serial No. 08/936,288, filed September 24, 1997, now U.S. Patent No. 6,003,774.

2000 SEP 14 10 10 AM '00

## PROPOSED NEW CLAIMS

10. A portable instrument for creating a visual display on a target in a pointing mode of operation, and for selectively electro-optically reading coded indicia in a reading mode of operation, the instrument comprising:

- a) a housing having a size and a shape configured to be held in a user's hand during both the pointing and reading modes;
- b) a light-transmissive window on the housing and aimable at the target during the pointing mode, and at the indicia during the reading mode;
- c) a plurality of electrical and optical components supported by the housing, for directing a light beam through the window, one of the electrical and optical components being movable between a first position in which said one of the electrical and optical components is operative for focusing the light beam at a first focus in the vicinity of the target during the pointing mode, and a second position in which said one of the electrical and optical components is operative for focusing the light beam at a second focus in the vicinity of the indicia during the reading mode, the first and second foci being located at different working distances relative to the window; and
- d) a manually actuatable switch mounted for movement by the user on the housing and operatively connected to said one of the electrical and optical components for manually moving said one of the electrical and optical components between said first and

Concluded  
As C1  
cont

second positions to selectively focus the light beam at the first and second foci in the pointing and reading modes, respectively.

11. The instrument of claim 10, wherein the housing is elongated and extends along an axis between opposite end regions, and wherein the window is located at one of the end regions.

sub  
C2

12. The instrument of claim 11; and further comprising a marking implement supported by the housing and having a marker at another end region of the housing and facing a surface to be marked.

13. The instrument of claim 10, wherein the plurality of electrical and optical components includes a light source for generating and directing the light beam along an optical path through the window, and wherein said first and second positions of said one of the electrical and optical components are located in and out, respectively, of the optical path.

14. The instrument of claim 10, wherein said one of the electrical and optical components is a focusing lens.

15. The instrument of claim 13, wherein the light source is a laser for generating the light beam as a visible laser beam.

16. The instrument of claim 10, wherein the housing bounds an interior in which the electrical and optical components are accommodated, and wherein the housing has separable portions which, upon separation, enable access to the interior.

17. The instrument of claim 10, wherein the manually actuatable switch has an exterior clip for clipping the housing to a part of the user's clothing.

18. The instrument of claim 11, wherein the window lies in a plane that is generally perpendicular to the axis.

19. The instrument of claim 11, wherein the window lies in a plane that is inclined at an angle to the axis.

20. The instrument of claim 12, wherein the marking implement includes a fluid cartridge having a nib, and a mechanism for retracting the nib within the housing, and for exposing the nib as the marker during marking.

21. The instrument of claim 10, wherein the plurality of electrical and optical components includes a light sensor having a field of view and operative for detecting light reflected off the indicia through the window in the reading mode, and for generating an electrical signal indicative of the detected light; a processor for processing the electrical signal into a processed signal during the reading mode; and a memory for storing the processed signal.

22. The instrument of claim 21, wherein the plurality of electrical and optical components includes a scanner for scanning at least one of the light beam and the field of view during the reading mode.

23. The instrument of claim 21, wherein the memory contains user information relating to the user.

Ar  
cont

24. The instrument of claim 23, wherein the user information includes a billing number for the user.

25. The instrument of claim 23, wherein the user information includes a billing address for the user.

26. The instrument of claim 11; and further comprising a touch screen stylus at another end region of the housing.

27. The instrument of claim 10, wherein the plurality of electrical and optical components includes a drive for moving the light beam in a pattern over the target in the pointing mode.

28. The instrument of claim 27, wherein the pattern is a line.

29. The instrument of claim 27, wherein the pattern is a closed curve.

---